IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18826 of 2004

Between:

1 Syed Sabir, S/o. Syed Abulla,
R/o.H.No. 21-36/1/2/3, Malkaram, Jawaharnagar G.P.
Shameerpet Mandal, R.R. District.
2 Asma Begum, W/o. Late Md. Jaffar,
R/o.H.No. 21-36/1/2/1, Malkaram, Jawaharnagar G.P.
Shameerpet Mandal, R.R. District.
3 Alia, W/o. Md. Rafi,
R/o.H.No. 21-36/1/2/2, Malkaram, Jawaharnagar G.P.
Shameerpet Mandal, R.R. District.
4 Naseem Begum, W/o. Mahmood,
R/o.H.No. 21-36/1/2/7, Malkaram, Jawaharnagar G.P.
Shameerpet Mandal, R.R. District.
5 Rahana Bee, W/o. Md. Mahmood,
R/o.H.No. 21-36/1/2/5, Malkaram, Jawaharnagar G.P.
Shameerpet Mandal, R.R. District.
6 Iqbal Baig, S/o. Mahmood Baig,
R/o.H.No. 21-47/3, Malkaram, Jawaharnagar G.P.
Shameerpet Mandal, R.R. District.

..... PETITIONERS

AND

The District Collector, Rangareddy District, Lakdikapool, Hyderabad.
2 The Revenue Divisional Officer, East Division, Rangareddy District,
Goshamahal, Hyderabad.
3 The Mandal Revenue Officer, Shameerpet Mandal, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction, one in the nature of Writ of Mandamus, (i) declaring the action of the respondents in threatening to dispossess and demolish the

petitioners houses being H.Nos.21-36/1/2/3, 21-36/1/2/1, 21-36/1/2/2, 21-36/1/7, 21-36/1/5, 21-47/3, of Malkaram, Jawahar Nagar Gerampanchayat, Shammerpet Mandal R.R. District, without following the due process of law as arbitrary, illegal, unreasonable, violative of principles of natural justice and violative of Articles 14, 21 & 300-A of Constitution of India. (ii) costs be awarded.

Counsel for the Petitioners: MR.B.MAHENDER REDDY, Advocate.

Counsel for the Respondents: Govt. Pleader for REVENUE

The Court made the following :

Oral Order:

Heard the learned counsel for the petitioners and learned Government Pleader for Revenue and at their request the writ petition itself is disposed of at the admission stage.

Petitioners claim to have purchased 80 sq. yards of land each which was originally assigned to an ex-servicemen by the Jawaharnagar Cooperative Land Colonization Society for Ex-Servicemen, Malkaram, Medchal taluk, Rangareddy District and ever since they are in possession and enjoyment of the same, While so, the respondents without following the due procedure trying to evict them from their lands. Hence the present writ petition.

Both the counsel agreed that the matter can be disposed of in the light of decision reported in W.P.Nos.3912 of 1992 and batch dated 25-03-2004, wherein this Court issued some guidelines to be followed by the respondents. Guideline No.6 reads as under:

> "..... petitioners purchased the land admeasuring less than 400 sq. yards from ex-servicemen for the purpose of construction of house, if they are eligible under relevant Government Orders, on payment of market value, their cases may be considered."

If the petitioners make any such application for regularization of their purchase on payment of market value, their cases may be considered in accordance with law. It is needless to observe that the respondents have to follow due procedure for eviction of the petitioners, if any, in the event if they are not eligible for regularization.

The writ petition is accordingly disposed of. No costs.

_____ A.GOPAL REDDY, J.

13-10-2004

Murthy

ASSISTANT. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Rangareddy District, Lakdikapool, Hyderabad.
2 The Revenue Divisional Officer, East Division, Rangareddy District, Goshamahal, Hyderabad.
3 The Mandal Revenue Officer, Shameerpet Mandal, Ranga Reddy District.

4. Two CCs to the Govt. Pleader for Revenue, High Court Buildings,

Hyderabad (OUT)

5. Two CD copies